

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,571,132)	
)	
Inventor: Tara Kimbrell COLE)	Group Art Unit: 5334
)	
Issued: August 4, 2009)	Examiner: Samuel Weis
)	
For: FORFAITING TRANSACTIONS)	Confirmation No.: 5334

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUBMISSION OF REQUEST FOR RECALCULATION OF
PATENT TERM ADJUSTMENT IN VIEW OF WYETH**

In view of the decision in *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010), the undersigned believes the above-identified patent is entitled to additional patent term adjustment. The attached PTO/SB/131 is submitted in accordance with the procedures outlined in the Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in *Wyeth v. Kappos* Regarding the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A), posted on the PTO's website on January 28, 2010.

This paper meets the PTO's requirements because patentee's sole basis for requesting reconsideration of the patent term adjustment is the PTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), and the PTO dismissed Applicant's prior request for review of the patent term adjustment based on *Wyeth*, and that decision was mailed not more than 2 months prior to the filing date of this paper.

In accordance with the PTO's interim procedure, no fee is required with this request. If however, the PTO determines that a fee is required, such fee should be charged to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 16, 2010

By: 

C. Gregory Gramenopoulos
Reg. No. 36,532